

STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF BARBERING AND COSMETOLOGY

**TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

NOTICE IS HEREBY GIVEN that the Board for Barbering and Cosmetology (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Board of Barbering and Cosmetology, 2420 Del Paso Road, Sequoia Room, Sacramento, California 95834, from 9:00 a.m. to 12:00 p.m. on February 26, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 26, 2007 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312, and 7406 of the Business and Professions Code, and to implement, interpret or make specific Sections 7312 (e) of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law directs the board to adopt rules governing sanitary conditions necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in Chapter 10 of Division 3 of the Business and Professions Code.

At the direction of the Governor, a working group was created (Work Group on Footspa Safety) which consisted of members from the Board of Barbering and Cosmetology, county health officials, consumer groups, pedicure equipment manufacturers and other interested parties. They collaborated to determine how to improve the safety of pedicure equipment and ensure appropriate consumer protection. The working group developed these new state regulations for the nail-care industry.

The proposed regulations and adoptions emphasize frequent cleaning behind the inlet suction, and all areas and surfaces of various types of footspa basins. They specify cleaning agents necessary to ensure the most effective sanitation and disinfection and cleaning of

footspas. They establish a uniform minimum running time for circulating detergent through the spa system in order to prevent bacteria growth in footbaths and provide appropriate consumer protection from infections caused by dirty footbaths.

**Amend Section 980.1, Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Basins.**

This regulation defines an Air-Jet footspa basin in order to include it in the new cleaning procedures. The effect of this regulation is to emphasize frequent cleaning behind the inlet suction screen, establishes a uniform minimum running time for circulating detergent through the spa system, specifies the type of cleaning agent and disinfectant to be used.

**Adopt Section 980.2, Procedures for Cleaning and Disinfecting Pipe-less Footspas.**

This regulation adopts language specific to and defines a Pipe-Less footspa basin in order to include it in the new cleaning procedures. The effect of this regulation is to emphasize frequent cleaning behind footplates, removable components, and impellers, establishes a uniform minimum running time for circulating detergent through the spa system, specifies the type of cleaning agent and disinfectant to be used.

**Adopt Section 980.3, Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs.**

This regulation adopts language specific to and defines a Non-Whirlpool footspa basin and tub in order to include it in the new cleaning procedures. The effect of this regulation is to emphasize frequent cleaning of the inside surfaces of the basin or tub, establishes a uniform minimum sitting time for the disinfecting solution to remain undisturbed in the basin or tub, specifies the type of disinfectant to be used.

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

None

**Nondiscretionary Costs/Savings to Local Agencies:**

None

**Local Mandate:**

None

**Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:**

None

**Business Impact:**

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:  
(A) Current regulation section 980.1 has caused no adverse economic impact that effect businesses.

**Impact on Jobs/New Businesses:**

The Board for Barbering and Cosmetology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impact on Representative Private Person or Business:**

The Board for Barbering and Cosmetology is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs:**

None

**EFFECT ON SMALL BUSINESS:**

The Board for Barbering and Cosmetology has determined that the proposed regulations would affect small businesses.

**CONSIDERATION OF ALTERNATIVES:**

Per Government Code section 11346.5(a)(13):

“The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.”

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above mentioned hearing.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Barbering and Cosmetology at 2420 Del Paso Road, Suite 100, Sacramento, California 95834.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

## **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

### **Contact Person:**

Name: Paul Cobb  
Address: 2420 Del Paso Rd., Suite 100  
Sacramento, CA. 95834  
Telephone: (916) 575 – 7104  
Fax: (916) 575 – 7281  
Email  
Address: paul\_cobb@dca.ca.gov

### **Backup Contact Person:**

Name: Heather Berg  
Address: 2420 Del Paso Rd., Suite100  
Sacramento, CA. 95834  
Telephone: (916) 575 - 7154  
Fax: (916) 575 - 7281  
Email  
Address: Heather\_berg@dca.ca.gov

**Website Access:** Materials regarding this proposal can be found at [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov).